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Attorney Docket No.: 018002-001010US PATENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

On

October 29, 2002

TOWNSEND and TOWNSEND and CREW LLP

By:

Juliana V. Hernandez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Patrick A. Schneider et al.

Application No.: 09/485,193

Filed: June 3, 1999

For: USE OF PROTHYMOSIN IN THE  
DIAGNOSIS AND TREATMENT OF  
ENDOMETRIOSIS

Examiner: Stephanie W. Zitomer

Art Unit: 1634

PETITION TO WITHDRAW HOLDING

OF ABANDONMENT UNDER 37 CFR

§1.181(a)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Petition is filed in response to the Notice of Abandonment mailed October 3, 2002 (copy attached) indicates that the present application was abandoned because Applicant allegedly did not file a timely response to the Office letter mailed February 26, 2002. As further discussed below, Applicant in fact filed a timely response to the Office letter of February 26, 2002, and accordingly now Petitions the Office to withdraw the holding of abandonment under 37 CFR §1.181(a).

The Office letter of February 26, 2002 set forth a Restriction Requirement, with a shortened statutory period for reply expiring on May 26, 2002. On March 15, 2002, Applicant submitted a Response to the Restriction Requirement via facsimile. Copies of the Response, as well as the facsimile Communication Result Report and the U.S.P.T.O. Auto-Reply Facsimile Transmission are enclosed herewith.

Thus, the Notice of Abandonment appears to have been mailed in error because Applicant timely submitted a response to the Office letter mailed February 26, 2002. Applicant respectfully requests that the holding of abandonment be withdrawn in accordance with 37 CFR 1.181(a).

Applicants believe that no fee is required for submission of the instant petition. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Nathan S. Cassell  
Reg. No. 42,396

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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PA 3260569 v1



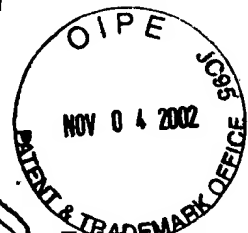
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650 326 2422 RightFAX

Page 001

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MAR 15 2002 12:57PM

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NO. 0185 P. 1

Atty Docket No. 018002-001010US

PTO FAX NO.: 1-703-872-9306

ATTENTION: Examiner Janell E. Taylor

Group Art Unit 1634

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EXAMINER Janell E. Taylor****CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following document in re Application of Patrick A. Schneider et al., Application No. 09/485,193, filed June 3, 1999 for USE OF PROTHYMOSIN IN THE DIAGNOSIS AND TREATMENT OF ENDOMETRIOSIS is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Amendment (3 pages).

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Leticia A. Cuevas-Hernandez

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\* \* \* COMMUNICATION RESULT REPORT ( MAR. 15. 2002 12:58PM ) \* \* \*

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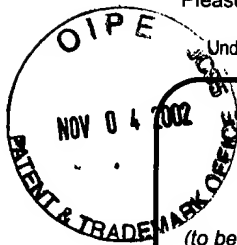
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/485,193
		Filing Date	June 3, 1999
		First Named Inventor	Schneider, Patrick A.
		Group Art Unit	1634
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	10	Attorney Docket Number	018002-001010US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Petition to Withdraw Holding of Abandonment Under 37 CFR §1.181(a) w/attachments; and, 2. Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP Nathan S. Cassell Reg. No. 42,396
Signature	<i>Nathan Cassell</i>
Date	October 29, 2002

CERTIFICATE OF MAILING	
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Typed or printed name	Leticia A. Hernandez
Signature	<i>Leticia A. Hernandez</i> Date <span style="border: 1px solid black; padding: 2px;">October 29, 2002</span>

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